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EXAMINER

SHIFERAW, ELENI A

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,914

Applicant(s)

CANDELORE ET AL.

Examiner

Eleni A. Shiferaw

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37, 40-54, 56-63 and 65-112 is/are pending in the application.
- 4a) Of the above claim(s) 38-39, 55 and 64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38, 39, 55 and 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/3/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detail Action

Response to Amendment

1. Applicant's arguments/amendments with respect to amended claims 1-2, 12-14, 21-23, 25, 28-35, 46, 54, 62-63, 65-73, 76, 82-83, 85-86, 89, 97, 106-107, 109, 110, and 112 filed on May 7, 2005 have been fully considered but they are not persuasive. The examiner would like to point out that this action is made final (MPEP 706.07a).
2. The examiner accepts the amended specification as "BRIEF SUMMARY OF THE INVENTION: **Not Applicable**".
3. **The rejections under 35 USC § 112:** claim 29 stand rejected under 35 USC § 112 as applicant fails to address the problem as mentioned in the Office Action.
4. **The rejections under 35 USC § 101:** claims 12, 21, 62, 82, 97, 106, and 112 stand rejected under 35 USC § 101 as applicant fails to address the problem as mentioned in the Office Action.
5. Examiner withdraws the previous double patenting rejection.

Response to Arguments

6. Applicant argues that:

- a. The references, whether alone or in combination, fail to support *“duplicate selected content and encrypt duplicate copies of the same selected content multiple times under multiple encryption schemes”*.

However, Examiner disagrees with applicant.

Regarding argument (a), Argument is not persuasive. Jandel teaches encrypting portions of image data according to multiple encryption method (first encryption method, and second encryption method) (page 3 par. 5, and page 5 par. 1-3). When the encrypted portions are decrypted **they have the same resolution** but different quality. **Jandel’s encrypted image portions are not different data they are the same image** but different quality.

Based on the arguments set forth by the examiner for argument (a), all dependent claims stand rejected and also claims 29, and 12, 21, 62, 82, 97, 106 and 112 stand rejected under 35 USC § 112, and 35 USC § 101 respectively as applicant fails to address the problems as mentioned in the Office Action.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. Therefore, the examiner asserts that the system of the prior art references do teach or suggest the subject matter as recited in independent claims 1, 11-13, 20-22, 25, 30, 35, 46, 54, 61-63, 67, 72, 76, 81-83, 86, 96-98, and 105-107. Dependent claims 2-10, 14-19, 23-24, 26-29, 31-34, 36-37, 40-45,

47-53, 56-60, 65-66, 68-71, 73-75, 77-80, 84-85, 87-95, 99-104, and 108-112 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action dated July 11, 2005. Accordingly, rejections for claims 1-37, 40-54, 56-63, and 65-112 are respectfully maintained.

Rejections

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

7. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 29 recites the limitation "The apparatus according to claim 26..." in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 12, 21, 62, 82, 97, 106, and 112 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is not tangibly embodied as it is only software per se. It is suggested that the claimed subject matter "An encrypted television signal....carried by an electronic transmission medium" should be changed to "An encrypted television signal stored in electronic transmission readable-medium..."

Claim Rejections - 35 USC § 102

11. Claims 54, 56, 58, 60-63, 65-69, 72-73, 76-77, 81-84, 86-87, 90, 94-99, 102-108, and 110-112 are rejected under 35 U.S.C. 102(a) as being anticipated by Jandel et al. (Jandel WO 00/31964).

As per claims 54, 61-63, 107, and 111-112, Jandel teaches a method/electronic storage medium/electronic transmission medium of partially multiple encrypting a digital television signal, wherein the television signal includes an elementary data stream and system information (SI), comprising:

- duplicating the SI to produce a duplicate SI (fig. 1 no. 103 and 105);
- encrypting the SI under a first encryption system to create a first encrypted SI (Jandel page 6 par. 2-3, and fig. 1 and fig. 2a);
- encrypting the duplicate SI under a second encryption system to create a second encrypted SI (Jandel page 6 par. 2-3, and fig. 1 and fig. 2a), comprising:
 - forming a partially multiple encrypted digital television signal comprising:

the elementary data stream in an unencrypted form (Jandel Fig. 1 No. 101 and page 6 par. 2-3 & 6); and

the SI encrypted under the first encryption system, and the duplicate SI encrypted under the second encryption system (Jandel Fig. 1 No. 103 and 105 and page 5 par. 1-3).

As per claim 67, Jandel teaches a television set-top box, comprising:

a receiver that receives a television signal comprising duplicate content and encrypted system information (Jandel page 6 par. 4-6, and fig. 2b);

a decrypter that decrypts the system information (Jandel page 6 par. 4-6, and fig. 2b No. 253); and

a decoder that decodes the content (Jandel page 6 par. 4-6, and fig. 2b No. 255).

As per claims 72, 76, and 81-82, Jandel teaches a method/electronic storage medium/electronic transmission medium of multiple encrypting a television signal, comprising:

encrypting a selected elementary stream of the television signal according to a first encryption method to produce a first encrypted elementary stream (Jandel page 6 par. 2-3 & 6, claims 1 & 6, and fig. 1 No. 103);

encrypting a duplicate selected elementary stream of the television signal according to a second encryption method to produce a second encrypted elementary stream (Jandel page 6 par. 2-3 & 6, claims 1 & 6, and fig. 1 No. 105); and

combining the first and second encrypted elementary stream and with unencrypted elementary stream to produce a partially multiple encrypted television signal, wherein the

unencrypted elementary stream is not a duplicate of the first and second elementary stream (Jandel page 6 par. 2-3 & 6, claims 1 & 6, and fig. 1 No. 105).

As per claims 86, 96-98, and 105-106 Jandel teaches a method/electronic storage medium/electronic transmission medium of multiple encrypting a television signal, comprising:

- encrypting a video portion of the television signal according to a first encryption method to produce a first encrypted video portion (Jandel page 5 par. 1, claims 1&6, and fig. 1 No. 103);
- encrypting a duplicate of the video portion of the television signal according to a second encryption method to produce a second encrypted video portion (Jandel page 5 par. 2, claims 1&6, and fig. 1 No. 105); and
- combining the first encrypted video portion and the second encrypted video portion with an unencrypted audio portion of the television signal to produce a multiple partially encrypted television signal (Jandel page 5 par. 3, page 6 par. 3 and claims 1&6).

As per claim 83, Jandel teaches a multiple selective encrypted electronic video signal stored or conveyed on a machine readable medium, comprising:

- a plurality of elementary streams (Jandel page 6 par. 2-3 and fig. 1 No. 101, 103, & 105);
- at least a first of the elementary streams carrying the same content as a first duplicate elementary stream (Jandel page 6 par. 2-3 No. 103);
- a second unencrypted elementary stream (fig. 1 no. 101)

the first elementary stream being encrypted according to a first encryption method to produce a first encrypted elementary stream (Jandel page 5 par. 1, claims 1&6, and fig. 1 No. 103); and

the first duplicate elementary stream encrypted according to a second encryption method to produce a second encrypted elementary stream (Jandel page 5 par. 2, claims 1&6, and fig. 1 No. 105).

As per claim 90, Jandel teaches the method, wherein video packets encrypted according to the first encryption method are assigned a first packet identifier and video packets encrypted according to the second encryption method are assigned a second packet identifier (Jandel page 6 par. 4-6, and fig. 2b No. 251 & 253; the multiple encrypted and unencrypted data portions/packets are identified and selected by the selector 255 to apply the multiple decryption technique that corresponds to the multiple encryption technique to the multiple encrypted packets).

As per claims 94 and 102, Jandel teaches the method, further comprising distributing system information to provide locating information used to locate the first and second encrypted video portions (Jandel page 6 par. 2-6 and fig. 1, 2a, & 2b).

As per claim 95, Jandel teaches the method, further comprising combining encrypted system information with the audio portion and the first and second encrypted video portions (Jandel page 6 par. 3 and claims 1 & 6).

As pr claim 103, Jandel teaches the method further comprising encrypting the system information (Jandel page 6 par. 2-3).

As pr claim 104, Jandel teaches the method further comprising partially encrypting the unencrypted audio portion of the television signal (Jandel Fig. 1 No. 101, 103, and 105).

As pr claims 56 and 108, Jandel teaches the method, wherein the partially multiple encrypted digital television signal further comprises the SI encrypted under the second encryption system (Jandel Fig. 1 No.105, and page 5 par. 1-2).

As pr claims 58 and 110, Jandel teaches the method, wherein the encrypted SI information and the duplicate encrypted SI information are distributed in a different band than that used to distribute the elementary data stream in the unencrypted form (Jandel abstract, and page 3 par. 2-3).

As pr claim 60, Jandel teaches the method, wherein the encrypted SI information is distributed in a different band than that used to distribute the elementary data stream in the unencrypted form (Jandel abstract, and page 3 par. 2-3).

As pr claim 65, Jandel teaches the partially multiple encrypted digital television signal, wherein the unencrypted elementary data stream is modulated to a first frequency band and wherein the first encrypted SI is modulated to a second frequency band (Jandel abstract, and page 3 par. 2-3).

As pr claim 66, Jandel teaches the partially multiple encrypted digital television signal, wherein the unencrypted elementary data stream is modulated to a first frequency band and wherein the second encrypted SI is modulated to a second frequency band (Jandel abstract, and page 3 par. 2-3).

As pr claim 68, Jandel teaches the television set-top box, wherein the content is decoded according to the decrypted system information (Jandel page 6 par. 4-6).

As pr claim 69, Jandel teaches the television set-top box, wherein the system information includes channel identifier information for identifying the content (Jandel page 6 par. 2-6).

As pr claim 73, Jandel teaches the method, further comprising distributing an unencrypted video portion of the television signal along with the first and second encrypted elementary streams, wherein the unencrypted video portion comprises the unencrypted elementary stream (Jandel page 6 par. 3).

As pr claim 77 Jandel teaches the method, wherein the television signal is a digital television signal, and wherein the encrypting comprises encrypting packets identified as the selected elementary stream packets (Jandel Fig. 1 No. 103 and 105).

As pr claim 84 Jandel teaches the multiple selective encrypted electronic video signal, wherein the first encryption method comprises a legacy encryption method and wherein the second encryption method comprises a non-legacy encryption method (Jandel page 6 par. 6).

As pr claims 87 and 99 Jandel teaches the method, wherein the television signal is a digital television signal, and wherein the multiple encrypting comprises encrypting packets identified as video packets (Jandel Fig. 1 No. 101, 103, & 105 and abstract).

Claim Rejections - 35 USC § 103

12. Claims 1-2, 5, 8-14, 16-23, 25-26, 28-37, 40, 42-48, 50-53, 57, 59, 74, 79, 80, 85, 93, 101, and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964) in view of Guralnick et al. (Guralnick, Patent Number: 6,058,192).

As per claims 1, 11-13, and 20-21, Jandel teaches a method/electronic storage medium/electronic transmission medium of multiple encrypting a television signal, comprising:

encrypting a data portion of the television signal according to a first encryption method to produce a first encrypted data portion (Jandel page 5 par. 1, claims 1&6, and fig. 1 No. 103);

encrypting a duplicate of data portion of the television signal according to a second encryption method to produce a second encrypted data portion (Jandel page 5 par. 2, claims 1&6, and fig. 1 No. 105); and

combining the first encrypted data portion and the second encrypted data portion with an unencrypted video portion of the television signal to produce a multiple partially encrypted television signal (Jandel page 5 par. 3, and claims 1&6).

Jandel does fails to explicitly teach encrypting an audio data;

However Guralnick discloses encrypting an audio portion of a television signal (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67, and claim 1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would encrypt a particular portion of audio/video signal to protect audio/video data on broadcasting system.

As per claims 22 and 25, Jandel teaches a multiple encrypted digital television signal stored or conveyed on a machine readable medium, comprising:

a first encrypted data portion, comprising a duplicate of the clear data portion encrypted under a first encryption method (Jandel page 5 par. 1, claims 1&6, and fig. 1 No. 103);

a second encrypted data portion, comprising the clear data portion encrypted under a second encryption method (Jandel page 5 par. 2, claims 1&6, and fig. 1 No. 105); and

an unencrypted video portion (Jandel page 4 par. 6, claims 1&6, and Fig. 1 No. 101).

Jandel does fails to explicitly teach encrypting an audio data;

However Guralnick discloses encrypting an audio portion of a television signal (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67, and claim 1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would encrypt a particular portion of audio/video signal to protect audio/video data on broadcasting system.

As per claim 30, Jandel teaches a cable system headend, comprising:

- a first encryption system that encrypts a television data packets using a first encryption algorithm (Jandel page 5 par. 1, claims 1&6, and fig. 1 No. 103);

- a second encryption system that encrypts duplicate television data packets using a second encryption algorithm (Jandel page 5 par. 2, claims 1&6, and fig. 1 No. 105); and

- transmitting/distributing the stream of packets comprising a video packets (Jandel page 3 par. 3 and fig. 1), a television data packets encrypted under the first encryption algorithm, and a television packets encrypted under the second encryption algorithm and system information packets (Jandel claims 1&6).

Jandel does fails to explicitly teach encrypting an audio data; and

a cable television distribution system to distribute a stream packets.

However Guralnick discloses encrypting an audio portion of a television signal (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67, and claim 1).

a cable television distribution system to distribute a stream packets (Guralnick col. 6 lines 36-54).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would encrypt a particular portion of audio/video signal to protect audio/video data on broadcasting system.

As per claims 28, 35, and 42-45, Jandel discloses an apparatus/method/integrated circuit and programmable logic device of decoding a multiple partially encrypted television signal, comprising:

a receiver receiving a television signal having a dual partially encrypted television program/multiple encrypted signal portion (Jandel page 6 par. 6, and page 3 par. 5) and a clear video portion (Jandel Fig. 2b No. 251 & 253, and page 6 par. 2), wherein the dual/multiple encrypted television data portion comprises a first encrypted television data portion encrypted under a first encryption method and a second encrypted portion encrypted under a second encryption method (Jandel page 6 par. 2-3);

a decrypter that receives encrypted television data packets encrypted under the first encryption algorithm from the receiver and decrypts the first encrypted television data packets, (Jandel page 6 par. 4-6, and fig. 2b No. 253) ; and

a decoder that receives and decodes the decrypted audio packets, and that receives and decodes unencrypted video packets to produce a television signal suitable for play on a television receiver (Jandel page 6 par. 4-6, and fig. 2b No. 255).

Jandel does fails to explicitly teach encrypting an audio data; and

However Guralnick discloses encrypting an audio portion of a television signal (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67, and claim 1):

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would encrypt a particular portion of audio/video signal to protect audio/video data on broadcasting system.

As per claim 46, and 50-53, Jandel teaches a method/apparatus/integrated circuit of decoding a partially encrypted television signal, comprising:

receiving a television signal having a first encrypted audio portion, a second encrypted television data portion and a clear video portion, the first television data portion being identified by a first packet identifier (PID), and the second television data portion being identified by a second PID, the second audio portion being a duplicate of the first audio portion when the first and second audio portions are unencrypted (Jandel page 6 par. 4-6, and fig. 2b No. 251 & 253; the multiple encrypted and unencrypted data portions/packets are identified and selected by the

selector 255 to apply the multiple decryption technique that corresponds to the multiple encryption technique to the multiple encrypted packets);

discarding the second encrypted audio portion by PID filtering (Jandel page 3 par. 4);

decrypting the first encrypted television data portion to produce a decrypted television data portion (Jandel page 6 par. 4-6, and fig. 2b No. 253); and

decoding the decrypted television data portion and the clear video portion to produce a decoded signal (Jandel page 6 par. 4-6, and fig. 2b No. 255).

However Guralnick discloses encrypting an audio portion of a television signal (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67, and claim 1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would encrypt a particular portion of audio/video signal to protect audio/video data on broadcasting system.

As per claims 2, 14, 23, and 26, Jandel and Guralnick teach all the subject matter as described above. In addition Guralnick teaches the method/multiple encrypted television signal, wherein the encrypting comprises encrypting packets identified as audio packets (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67, and claim 1). The rationale for combining are the same as claim 1 above.

As per claims 5 and 37, Jandel and Guralnick teach all the subject matter as described above. In

addition, Jandel teaches the method, wherein the encrypted audio portion is identified by a packet identifier (PID) associated with a decryption algorithm used for decrypting the encrypted audio portion (Jandel page 6 par. 4-6, and fig. 2b No. 251 & 253; the multiple encrypted and unencrypted data portions/packets are identified and selected by the selector 255 to apply the multiple decryption technique that corresponds to the multiple encryption technique to the multiple encrypted packets).

As per claims 8 and 16 Jandel and Guralnick teach all the subject matter as described above. In addition, Guralnick teaches the method, wherein the first encrypted audio portion and the second encrypted audio portion are distributed over one of a terrestrial broadcast system, a satellite system and a cable system (Guralnick col. 6 lines 36-54, and col. 12 lines 38-47).

As per claims 9 and 17, Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the method, further comprising distributing system information to provide locating information used to locate the first and second encrypted audio portions (Jandel page 6 par. 2-6 and fig. 1, 2a, & 2b).

As per claim 10 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the method, further comprising combining encrypted system information with the video portion and first and second encrypted audio portions (Jandel page 6 par. 3 and claims 1 & 6).

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As per claim 18 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the method, further comprising encrypting the system information (Jandel page 6 par. 2-3).

As per claim 19 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the method, further comprising partially encrypting the unencrypted video portion of the television signal (Jandel Fig. 1 No. 101, 103, and 105).

As per claim 29 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches a device, wherein the receiver further receives and discards audio packets encrypted under a second encryption algorithm (Jandel page 3 par. 4, and Fig. 2b No. 251 & 255).

As per claim 31 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the cable system headend, wherein the video packets are unencrypted (Jandel Fig. 1 No. 101).

As per claim 32 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the cable system headend, wherein the system information packets are unencrypted (Jandel Fig. 1 No. 101).

As per claim 33 Jandel and Guralnick teach all the subject matter as described above. In addition,

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Jandel teaches the cable system headend, wherein the video packets are partially encrypted

(Jandel Fig. 1 No. 101, 103, and 105, and page 3 par. 2).

As per claim 34 Jandel and Guralnick teach all the subject matter as described above. In addition,

Jandel teaches the cable system headend, wherein the system information packets are encrypted

(Jandel Fig. 1 No. 103, and 105).

As per claims 36 and 47 Jandel and Guralnick teach all the subject matter as described above. In

addition, Jandel teaches the method, wherein the decoded signal is suitable for play on a

television set (Jandel page 6 par. 5, and Fig. 2b No. 255).

As per claims 40 and 48 Jandel and Guralnick teach all the subject matter as described above. In

addition, Jandel teaches the method, wherein the first PID is a secondary PID and wherein the

second PID is a primary PID (Jandel page 6 par. 2-6 and fig. 1, 2a, and 2b; data is put in to

multiple packets and some portions of the data is encrypted and transmitted to the decrypter and

each portions of the data is identified and decrypted by the decrypter. It is obvious to one

ordinary skill in the art at the time of the invention to identify the first and second packet as a

secondary and primary or visversa).

As per claims 57, 59, 79, 93, 101, and 109, Jandel teaches all the subject mater as described

above. Jandel does not explicitly teach one of the following distribution method: a cable system,

a terrestrial broadcast system and satellite system.

However Guralnick discloses the method, further comprising distributing the multiple partially encrypted television signal over one of the following: a cable system, a terrestrial broadcast system and satellite system (Guralnick col. 6 lines 36-54, and col. 12 lines 38-47).

Therefore it would be obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would allow the distribute the television signal to television set top box.

As pr claim 74, Jandel and Guralnick teach all the subject matter as described above. In addition, both Jandel and Guralnick teach the method, wherein the television signal is a digital television signal, and wherein the encrypting comprises encrypting packets identified as one of audio elementary stream packets, video elementary stream packets and system information elementary stream packets (Jandel page 6 par. 2-6, and Guralnick col. 3 lines 31-47). The rational for combining are the same as claim 57 above.

As per claim 80, Jandel and Guralnick teach all the subject matter as described above. In addition, both Jandel and Guralnick teach the method, wherein the television signal is a digital television signal, and wherein the encrypting comprises encrypting packets identified as one of audio elementary stream packets, video elementary stream packets and system information elementary stream packets (Jandel Fig. 1 No. 103 & 105, and Guralnick col. 3 lines 31-47). The rational for combining are the same as claim 57 above.

As pr claim 85, Jandel and Guralnick teach all the subject matter as described above. In addition,

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both Jandel and Guralnick teach the multiple selective encrypted electronic video signal, wherein the first elementary stream comprises one of the following: a video, an audio and a system information elementary stream (Jandel Fig. 1 No. 101, 103, & 105, and Guralnick col. 3 lines 31-47). The rationale for combining are the same as claim 57 above.

13. Claims 4, 6, 7, 41, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964) in view of Guralnick et al. (Guralnick, Patent Number: 6,058,192), and further in view of Yasukawa et al. (Yasukawa, Patent Number: 5,999,622).

As per claim 4, Jandel and Guralnick teach all the subject matter as described above.

Jandel and Guralnick do not explicitly teach a digital satellite service.

However Yasukawa teaches wherein the digital television signal complies with a digital satellite service (DSS) transport standard, and wherein the audio packets are identified for encryption by a service channel identifier (SCID) (Yasukawa col. 4 lines 33-38).

Therefore it would be obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Yasukawa within the combination system of Jandel and Guralnick because it would allow to transmit a stream of data portions, where some of the stream of the data portions are encrypted and some portions are left unencrypted and each segmented encrypted or unencrypted portions of the data are identified (Yasukawa abstract).

As per claim 6, Jandel and Guralnick teach all the subject matter as described above.

Jandel and Guralnick do not explicitly teach the map table.

However Yasukawa discloses the method, wherein the first packet identifier and the second packet identifier are referenced as primary elementary PIDs in a program map table (PMT) (Yasukawa col. 6 lines 30-59, and Fig. 6 & 7).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Yasukawa within the combination system of Jandel and Guralnick because it would allow to map and identify the portions of the television data.

As per claims 7, 41, and 49, Jandel, Guralnick and Yasukawa teach all the subject matter as described above. In addition, Jandel and Yasukawa teach the method, wherein the first packet identifier is referenced as a primary elementary PID in a program map table (PMT) and the second packet identifier is referenced as a secondary elementary PID in the program map table (PMT) (Jandel page 6 par. 2-6 and Yasukawa col. 6 lines 30-59, and Fig. 6 & 7). The rationale for combining are the same as claim 6 above.

14. Claims 89, and 91-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964), and further in view of Yasukawa et al. (Yasukawa, Patent Number: 5,999,622).

As per claim 89, Jandel teaches all the subject matter as described above.

Jandel does not explicitly teach a satellite service.

However Yasukawa discloses the method, wherein the digital television signal complies with a digital satellite service (DSS) transport standard, and wherein the video packets are identified for encryption by a service channel identifier (SCID) (Yasukawa Col. 4 lines 33-38).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Yasukawa within the system of Jandel because it would allow to transmit portioned digital packets.

As per claims 91- 92 Jandel teaches all the subject matter as described above.

Jandel does not explicitly teach the program map table (PMT).

However Yasukawa teaches the method, wherein the first packet identifier is referenced as a primary elementary packet identifier (PID) in a program map table (PMT) and the second packet identifier is referenced as a secondary elementary packet identifier (PID) in the program map table (PMT) (Yasukawa col. 6 lines 30-59, and Fig. 6 & 7).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Yasukawa within the system of Jandel because it would allow to map and identify the portions of the television data.

15. Claims 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964), and further in view of Applicant Admitted Prior Art (AAPA).

As per claim 70 Jandel teaches all the subject matter as described above.

Jandel does not explicitly teach an out of band receiver.

However AAPA teaches the television set-top box, wherein the system information is received in an out of band receiver (AAPA page 3 lines 4-6).

Therefore it would be obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of AAPA within the system of Jandel because it would receive information.

As per claim 71 both Jandel and AAPA teach the subject matter as described above. In addition, AAPA discloses the television set-top box, wherein the system information is received in an in-band receiver (AAPA page 3 lines 4-6). The rationale for combining are the same as claim 70 above.

16. Claims 3, 15, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964) in view of Guralnick et al. (Guralnick, Patent Number: 6,058,192), and further in view of Alattar et al. Improved Selective encryption techniques for secure transmission of MPEG video bit-streams October 1999 (Alattar IEEE '99).

As per claims 3, 15, 24, 27, 75, 78, 88, and 100, Jandel and Guralnick teach all the subject matter as described above. Jandel and Guralnick do not explicitly teach MPEG standard.

However Alattar IEEE '99 teaches wherein the digital television signal complies with an MPEG standard, and wherein the audio packets are identified for encryption by a packet identifier (PID) (Alattar IEEE '99 pages 257-258 section 2.3, and 3.1).

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Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Alattar IEEE '99 within the combination system of Jandel and Guralnick because it would partially/selectively encrypts multiple portions of a television signal and un-encrypt some portions of the signal and multiplexes/combines the un-encrypted data with the encrypted portions in order to have most efficient and highly secure method by reducing processing time over "total" encryption (Alattar IEEE '99 abstract and pages 257-258 section 2.3, and 3.1).

17. Claims 75, 78, 88, and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964), and further in view of Alattar et al. Improved Selective encryption techniques for secure transmission of MPEG video bit-streams October 1999 (Alattar IEEE '99).

As per claims 75, 78, 88, and 100, Jandel teaches all the subject matter as described above.

Jandel does not explicitly teach MPEG standard.

However Alattar IEEE '99 teaches wherein the digital television signal complies with an MPEG standard, and wherein the audio packets are identified for encryption by a packet identifier (PID) (Alattar IEEE '99 pages 257-258 section 2.3, and 3.1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Alattar IEEE '99 within the system of Jandel because it would partially/selectively encrypts multiple portions of a television signal and un-encrypt some portions of the signal and multiplexes/combines the un-encrypted data with the

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encrypted portions in order to have most efficient and highly secure method by reducing processing time over "total" encryption (Alattar IEEE '99 abstract and pages 257-258 section 2.3, and 3.1).

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elam Shiferaw

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July 11, 2005

Primary Examiner

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